



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,251	10/22/2001	Daniel J. Kump	FFR 2 0168-3	1666

7590 02/04/2005

FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP
Suite 700
1100 Superior Ave.
Cleveland, OH 44114-2518

EXAMINER

CHAN, KO HUNG

ART UNIT PAPER NUMBER

3632

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,251

Applicant(s)

KUMP ET AL.

Examiner

Korie H. Chan

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 12, 14-17 and 19-43 is/are pending in the application.
- 4a) Of the above claim(s) 14-16, 26-28, 36-38, 42 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17, 19-22 and 33 is/are allowed.
- 6) ☒ Claim(s) 11, 12, 23-25, 29-32, 34-41, 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

Applicant's original election of figure 8A in Paper No. 6 is acknowledged. In the amendment filed 11/19/2004, the newly submitted claims 34-43 further contains claims 36-38 and 42 which are not readable on the elected embodiment of figure 8A.

Consequently, claims 14-16, 26-28, 36-38, and 42 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 6.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

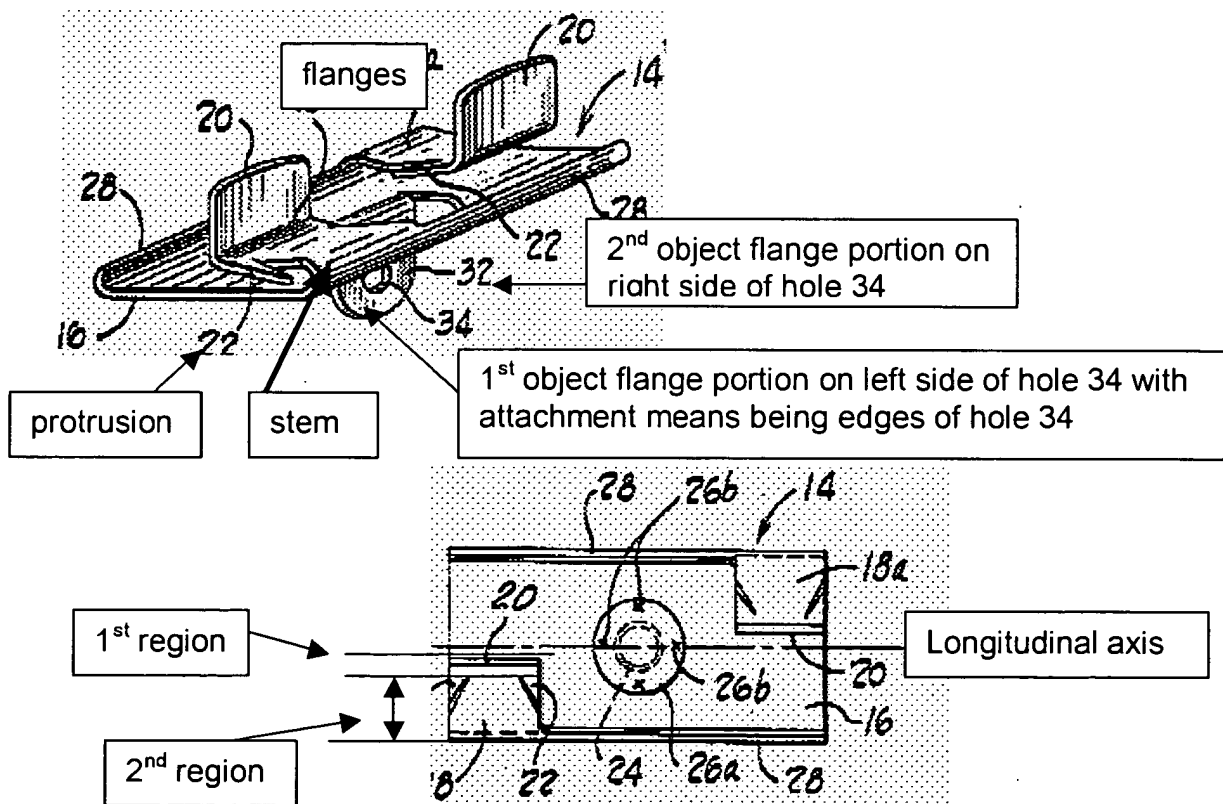
Claims 11, 12, 29, 34, 35, 39-41, and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 recites that the second object flange are in spaced relation from the first object support flange. However, a review of the elected embodiment of figure 8A shows that the first and second object support flange are connected and are NOT in spaced relation. Clarification required. Regarding claim 29, line 2, it appears the "first and second stem portions and first and second flange portions" are the same as the added limitation to claim 23 of "first and second stem and first and second cantilever flange". Applicant

Art Unit: 3632

needs to be consistent with language. Regarding claim 43, "said longitudinal axes" is vague and indefinite since there is only one longitudinal axis claimed.

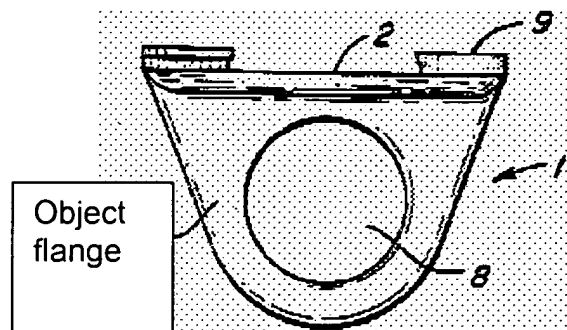
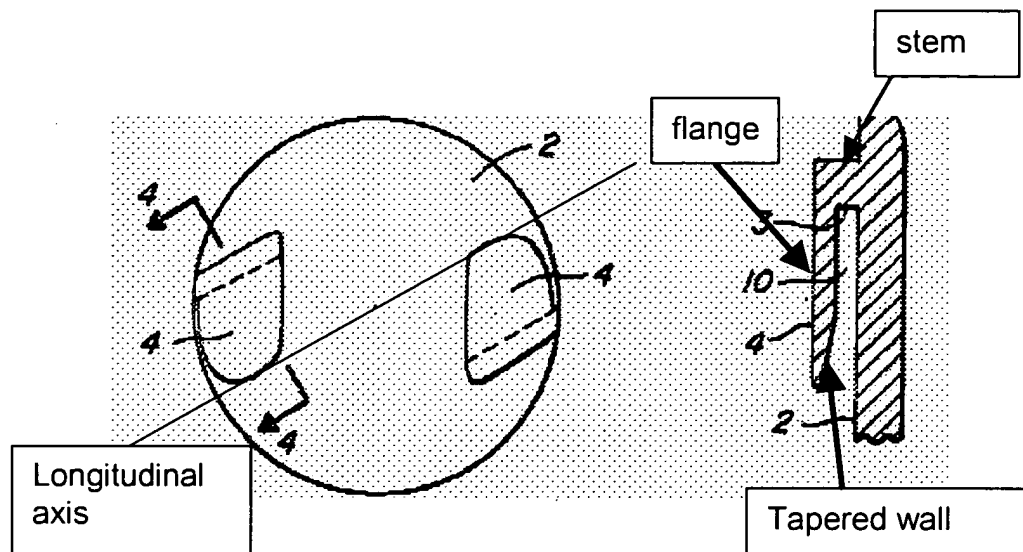
Claim Rejections - 35 USC § 102

Claims 11, 12, 34, 35, and 39 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Schuplin (US patent no. 4,191,352). Schuplin discloses all the claimed features of applicant's invention as demonstrated below.



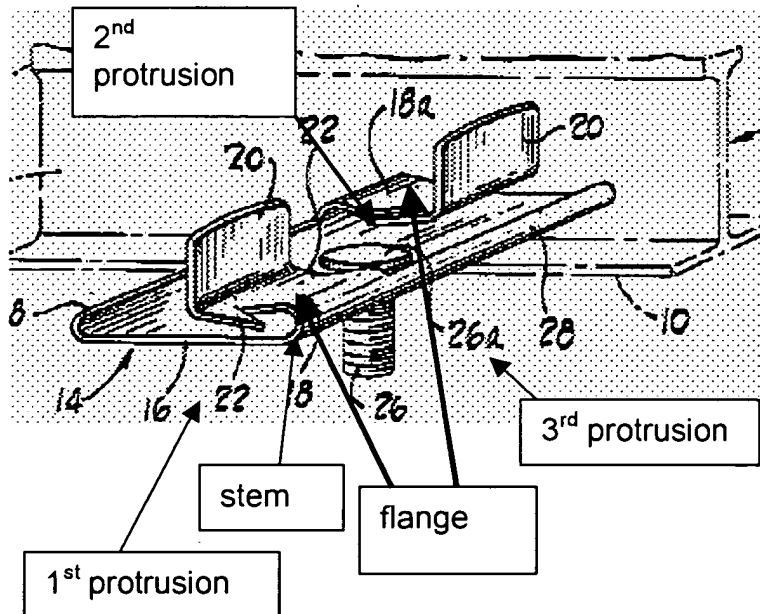
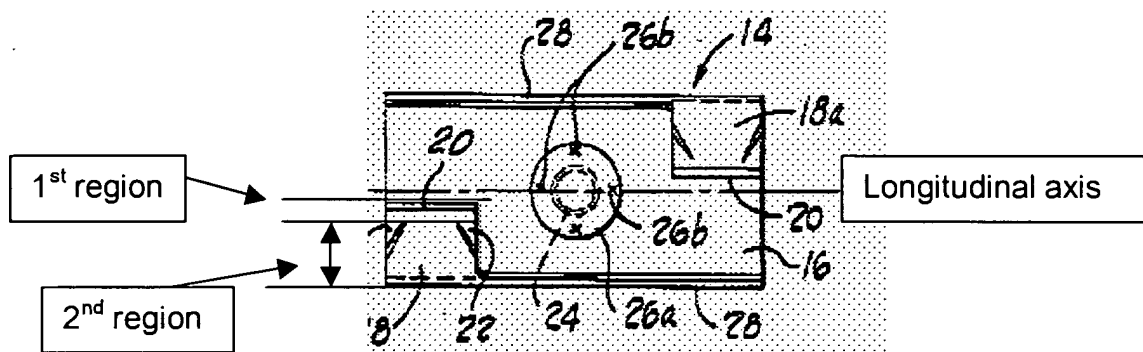
Art Unit: 3632

Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Berger (US patent no. 4,323,215). Berger discloses all the claimed features of applicant's invention as demonstrated below.



Claim Rejections - 35 USC § 103

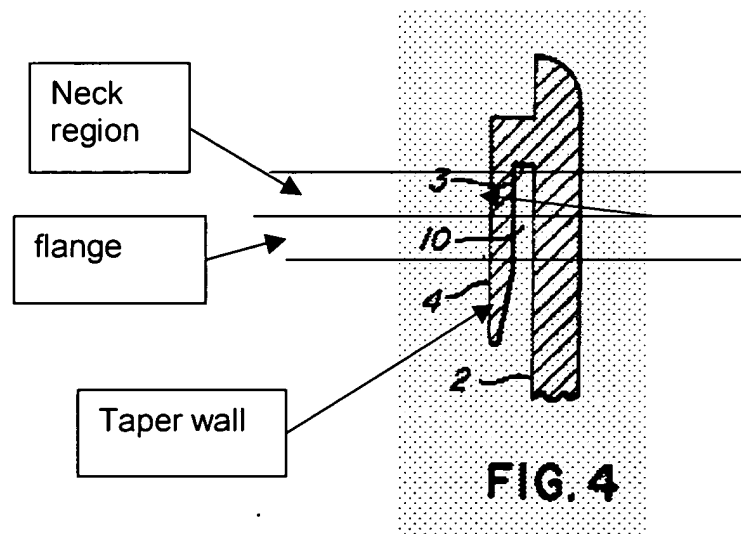
Claims 11, 12, 34, 35, 39, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuplin (US patent no. 4,191,352) in view of Havener (US patent no. 3,003,735). Schuplin discloses most of the claimed features of applicant's invention as demonstrated below.



Art Unit: 3632

However, Schuplin in this embodiment does not show object support flanges. Havener teaches in a suspension having stems (4, 5) and flanges (18, 19) and protrusions (22, 23) and object support flanges (flanges of wing nut 12) in the same object plane for securing articles to the stud (col. 2, lines 25-26). It would have been obvious to one of ordinary skill in the art to provided Schuplin's device with a wing nut having opposite flange portions in the same object plane for securing articles to stud as taught to be desirable by Havener.

Claims 24, 25, 29, 30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger (US patent no. 4,323,215) in view of Debner et al (US patent no. 2,942,314). Berger discloses all the claimed features of applicant's invention as discussed above. Further, Berger discloses first and second neck regions each with rectangular lower surfaces.



However, Berger does not disclose a plateau extending between first and second arm. Debner teaches providing a plateau (18) extending between first and second arm from

Art Unit: 3632

side edge to side edge to increase friction. It would have been obvious to one of ordinary skill in the art to have modify Berger's device by providing a plateau extending between first and second arm from side edge to side edge to increase friction as taught to be desirable by Debner.

Allowable Subject Matter

Claims 31, 41, and 43 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 17, 19-22 and 33 are allowed.

Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Korie H. Chan
Primary Examiner
Art Unit 3632

khc
February 1, 2005